

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

CORAM :

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.14486 to 14488 of 2018

M/s.Goyal Impex & Industries Ltd.,
Rep. by its Director, Shri.Hira Lal Goyal.
.. Petitioner in all WPs.

-vs-

- 1.The Commissioner of Customs
Chennai II Commissionerate
Custom House, No.60, Rajaji Salai,
Chennai 600 001.
.. Respondent in all WPs
- 2.The Deputy Commissioner of Customs
Chennai, II Commissionerate,
(Group-7B-7H), Custom House,
No.60, Rajaji Salai, Chennai 600 001.
.. Respondent in all WPs

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus (i) WP.14486/2018 - to direct the respondents, more particularly 2nd respondent to implement the order of the Commissioner of Customs (Appeals-II) in Order-in-Appeal No.143/2018 dated 11.04.2018 issued from F.No.C3-II/159/O/2018-Sea and release the goods imported vide Bill of Entry No.5228323 dated 15.02.2018 by issuance of a "Detention Certificate" for waiver of detention charges from the date of filing of the Bill of Entry till the date of clearance of the goods as held by this Court in several orders; (ii) WP.14487/2018 - to direct the respondents, more particularly 2nd respondent to implement the order of the Commissioner of Customs (Appeals-II) in Order-in-Appeal No.186/2018 dated 11.05.2018 issued from F.No.C3-II/347/O/2018-Sea and release the goods imported vide Bill of Entry No.5345281 dated 24.02.2018 by adopting the declared values and issuance of a "Detention Certificate" for waiver of detention charges from the date of filing of the Bill of Entry till the date of clearance of the goods as held by this Court in several orders; (iii) WP.14488/2018 - to direct the respondents, more particularly 2nd respondent to implement the order of the Commissioner of Customs (Appeals-II) in Order-in-Appeal No.183/2018 dated 11.05.2018

issued from F.No.C3-II/280/O/2018-Sea and release the goods imported vide Bill of Entry No.5353605 dated 26.02.2018 by issuance of a "Detention Certificate" for waiver of detention charges from the date of filing of the Bill of Entry till the date of clearance of the goods as held by this Court in several orders.

For Petitioner : Mr.S.Krishnanandh

For Respondent : Mr.G.M.Syed Nurullah Sheriff

COMMON ORDER

Heard Dr.S.Krishnanandh, learned counsel for the petitioner and Mr.G.M.Syed Nurullah Sheriff, learned counsel for the respondent.

2.These writ petitions have been filed by the petitioner to implement the orders passed by the Commissioner of Customs (Appeals) dated 11.04.2018 and 11.05.2018 respectively and consequently, release the goods, which were imported by the petitioner, by issuance of "Detention Certificate" for waiver of detention charges from the date of filing of the Bill of Entry till the date of clearance of the goods.

2.The Commissioner of Customs (Appeals), while allowing the appeals filed by the importer, has taken note of the directions issued by this Court in several cases and ordered that the waiver of the detention charges should be from the date of filing of the Bill of Entry till the actual clearance of the goods.

3.The learned Standing Counsel appearing for the respondents would submit that the department has an apprehension that for certain personal reasons of the petitioner, he must clear the goods within a reasonable time. However, with regard to the merits of the cases regarding the rate of duty as ordered by the Commissioner (Appeals), it is submitted that the department intends to accept the order passed by the Commissioner (Appeals).

4.Considering the submissions on either side, the writ petitions are disposed of by directing the second respondent to implement the orders passed by the Commissioner of Customs (Appeals) and issue 'Detention Certificate' for waiver of detention charges and demurrages from the date of filing of the

Bill of Entry till the date of clearance, which shall be within ten (10) working days from the date on which the certified copy of the order is received. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Commissioner of Customs
Chennai II Commissionerate
Custom House, No.60, Rajaji Salai,
Chennai 600 001.

2.The Deputy Commissioner of Customs
Chennai, II Commissionerate,
(Group-7B-7H), Custom House,
No.60, Rajaji Salai, Chennai 600 001.

+2cc to Mr.B.Sathish Sundar, Advocate sr.no.45881(18/07/2018)
+1cc to Mr.G.M.Syed Nurullah Sheriff, Advocate sr.no.46315
(24/10/2018)

W.P.Nos.14486 to 14488 of 2018

nr 17/07/2018

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